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6 Attorneys for Specially Appearing Defendant  
VIEJAS BAND OF KUMEYAA'Y INDIANS, a  
7 federally recognized Indian tribe, erroneously sued  
as "VIEJAS FIRE DEPARTMENT"  
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9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JIM MAXWELL and KAY  
MAXWELL, individually and as  
guardians of TREVOR ALLEN  
13 BRUCE and KELTEN TANNER  
BRUCE; and JIM MAXWELL, as  
14 executor of the ESTATE OF  
KRISTEN MARIE MAXWELL-  
15 BRUCE,

16 Plaintiffs,

17 v.

18 COUNTY OF SAN DIEGO; ALPINE  
FIRE PROTECTION DISTRICT;  
19 VIEJAS FIRE DEPARTMENT;  
DEPUTY LOWELL BRYAN "SAM"  
20 BRUCE; DOES 1-50,

21 Defendants.  
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CASE NO. 07 CV 2385 JAH WMC

**REQUEST FOR REMOVAL FROM  
SERVICE LIST**

DEPT: 11 (2<sup>nd</sup> Floor)  
JUDGE: Hon. John A. Houston

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1 Please remove Phillip C. Samouris and the firm of Higgs, Fletcher & Mack LLP, counsel  
2 for dismissed defendant, VIEJAS BAND OF KUMEYAAY INDIANS, a federally  
3 recognized Indian tribe, erroneously sued as "VIEJAS FIRE DEPARTMENT, from  
4 the Service List in the above-captioned matter

5 DATED: September 16, 2008

HIGGS, FLETCHER & MACK LLP

7 By: /s/ Phillip C. Samouris

8 PHILLIP C. SAMOURIS, ESQ.

9 MICHELLE L. GRANT, ESQ.

10 Attorneys for Specially Appearing

11 Defendant VIEJAS BAND OF

12 KUMEYAAY INDIANS,

13 a Federally Recognized Indian Tribe,

14 erroneously sued as "Viejas Fire

15 Department"

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document

**NOTICE OF ENTRY OF ORDER**

was served on counsel as indicated below by CM/ECF:

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**Attorney for Defendant**

**Lowell Bryan "Sam" Bruce**  
**UNKNOWN AT THIS TIME**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 16, 2008, at San Diego, California.

/s/ Phillip C. Samouris

Phillip C. Samouris